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9 Attorneys for Federal Defendant
United States of America

10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA

13 DEREK A. CAPOZZI,

No. EDCV 10-00239 AHM (DTB)

14 Plaintiff,

15 v.

[PROPOSED] PROTECTIVE ORDER

16 UNITED STATES OF AMERICA,

NOTE CHANGES MADE BY THE COURT

17 Defendant.

18

19 IT IS HEREBY ORDERED that the following documents be
20 protected pursuant to a Court Order:

21 1. Current Post Orders being provided in response to

22 Requests for Production of Documents No.10 (set one) and Nos. 3,
23 8, 9, 10, 11, 15, 16, 17 (set two).

24 2. Statistics from USP Victorville being provided in

25 response to Request for Production of documents Nos. 1, 2, 8, 9,
26 15, 16, 17 (set two).

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28

1 3. Tort Claim File being provided in response to Request
2 for Production of documents Nos. 4, 5, 9, 15, 16, 17 (set two).

3 4. SIS file provided in response to Request for Production
4 of documents Nos. 3, 4, 6 (set one) and Nos. 4, 5, 6, 9, 10, 11,
5 12, 13, 14, 15, 16, 17 (set two).

6 The protected documents described above shall only be
7 provided to Plaintiff with the following terms and conditions:

8 1. Defendant will identify the documents that are being
9 provided subject to this protective order;

10 2. The protected documents shall be maintained by
11 Plaintiff in accordance with this Order, and shall be used by
12 Plaintiff solely and exclusively in connection with this case and
13 for no other purpose;

14 3. A copy of this Order shall be kept with the protected
15 documents at all times;

16 4. Plaintiff may view the protected documents only for the
17 purpose of litigating this case, and a copy of the protected
18 documents shall not be provided to any other inmate or person
19 (other than Plaintiff's attorney should he retain one) for any
20 reason¹;

21 5. Other than for use during this litigation, the
22 protected discovery will not be disclosed to anyone who is not
23 assigned to, or directly involved in, the preparation of
24 litigating this case;

25
26

¹Plaintiff is currently on a writ to a Kentucky county jail and
27 these documents shall not be produced to him until he returns to
28 a Bureau of Prisons ("BOP") facility.

1 6. If Plaintiff summarizes or discloses the protected
2 documents or its content in a court document of any kind, such
3 document will be filed under seal;

4 7. Within 30 days of the conclusion of this matter
5 (including appeal), Plaintiff will return the protected discovery
6 to the United States Attorney's Office for the Central District
7 of California, Civil Division; and

8 8. Any Plaintiff's counsel in this matter will be bound by
9 this protective order.

In addition, any video surveillance tape discovered to be relevant in this matter is protected by Court Order as well. Any such video is to be provided to Plaintiff only when he returns to a BOP facility so that the video tape can be kept and maintained by a BOP staff member (to be determined upon Plaintiff's return to a BOP facility). Plaintiff may only view the video upon request to BOP staff. The video is protected pursuant to the same conditions as outlined in paragraphs 1-8 above.

SO ORDERED this 30th day of August, 2012.

Alvin T. Foster

HONORABLE DAVID T. BRISTOW
UNITED STATES MAGISTRATE JUDGE

PRESENTED BY:

ANDRÉ BIROTTE JR.
United States Attorney
LEON W. WEIDMAN
Assistant United States Attorney
Chief, Civil Division

/s/ Erika Johnson-Brooks
ERIKA JOHNSON-BROOKS
Assistant United States Attorney
Attorneys for Defendant